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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA, ) No. CR 09-102 VRW  
14 Plaintiff, )  
15 v. )  
16 ROMMELL BORJAS-ALFARO, )  
17 a/k/a "Shorty" )  
18 Defendant. )  
19 \_\_\_\_\_) STIPULATION AND [PROPOSED]  
20 \_\_\_\_\_) ORDER RESCHEDULING DATE FOR  
\_\_\_\_\_) TRIAL SETTING OR CHANGE OF PLEA  
\_\_\_\_\_) AND EXCLUDING TIME FROM  
\_\_\_\_\_) DECEMBER 10, 2009 THROUGH  
\_\_\_\_\_) JANUARY 21, 2010  
\_\_\_\_\_) Current Date: December 10, 2009  
\_\_\_\_\_) Current Time: 2:00 p.m.  
\_\_\_\_\_) Proposed Date: January 21, 2010  
\_\_\_\_\_) Proposed Time: 2:00 p.m.

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23  
24 The parties are scheduled to appear before the Court on December 10, 2009, for  
25 defendant Rommell Borjas-Alfaro's trial setting or change of plea. The parties now represent  
26 that they need additional time to discuss a proposed disposition. The United States produced a  
27 significant amount of discovery in this case, and defense counsel needs additional time to review  
28

STIP. EXCL. TIME  
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1 it. The parties request that the Court continue the matter to January 21, 2010 at 2:00 p.m. for  
2 trial setting or a change of plea. The parties request that time be excluded under the Speedy Trial  
3 Act from December 10, 2009 through January 21, 2010 because defense counsel needs that time  
4 to review discovery and to conduct necessary investigation.

5 The parties represent that the requested continuance is the reasonable time necessary for  
6 effective preparation of defense counsel. 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree  
7 that the ends of justice served by granting such a continuance outweigh the best interests of the  
8 public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

9

10 SO STIPULATED:

11 JOSEPH P. RUSSONIELLO  
12 United States Attorney

13 DATED: December 8, 2009 \_\_\_\_\_ /s/  
14 TAREK J. HELOU  
15 Assistant United States Attorney

16 DATED: December 8, 2009 \_\_\_\_\_ /s/  
17 RITA BOSWORTH  
18 Attorney for ROMMELL BORJAS-ALFARO

19 Based upon the representation of counsel and for good cause shown, the Court finds that  
20 failing to exclude the time from December 10, 2009 through January 21, 2010 would  
21 unreasonably deny the defendant and defense counsel the reasonable time necessary for effective  
22 preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).  
23 The Court further finds that the ends of justice served by excluding the time from December 10,  
24 2009 through January 21, 2010 from computation under the Speedy Trial Act outweigh the best  
25 interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

26 Therefore, IT IS HEREBY ORDERED that the time between from December 10, 2009  
27 through January 21, 2010 shall be excluded from computation under the Speedy Trial Act. 18

1 U.S.C. § 3161(h)(7)(A) and (B)(iv).

2 IT IS HEREBY FURTHER ORDERED that the trial setting or change of plea hearing  
3 scheduled for defendant Rommell Borjas-Alfaro on December 10, 2009 at 2:00 p.m. is vacated  
4 and rescheduled for a trial setting or change of plea hearing on January 10, 2010 at 2:00 p.m.  
5 This Order shall not affect the status conference hearing for Defendant Teniah Tercero, which is  
6 set for December 10, 2009 at 2:00 p.m. and will occur that day.

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8 DATED: 12/18/2009

